

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

ZUHIR ZIN EDDIN, } Case No. 2:25-cv-04817-JFW (DTB)  
Petitioner, }  
v. } **ORDER REQUIRING RESPONSE  
TO PETITION FOR WRIT OF  
HABEAS CORPUS (FEDERAL  
CUSTODY)**  
KRISTI NOEM, Secretary of the U.S. }  
Department of Homeland Security, et }  
al., }  
Respondents.

In order to facilitate the just, speedy, and inexpensive determination of this action, with respect to the Petition for Writ of Habeas Corpus by a Person in Federal Custody (“Petition”) (Docket No. 1),**IT IS ORDERED** that:

1. The Clerk of this Court shall promptly: (a) Serve a copy of the Petition and a copy of this Order on Respondent by delivering them to the United States Attorney for the Central District of California or his authorized agent; and (b) serve a copy of this order on Petitioner.

2. The Clerk shall also serve Petitioner with a copy of the form Consent to Proceed Before a United States Magistrate Judge (Form CV-11B) along with this

1 Order. If Petitioner wishes to exercise the consent option, he shall file a completed  
2 Consent to Proceed Before a United States Magistrate Judge form with the court and  
3 serve Respondent with the same **within fourteen (14) days** of the service date of  
4 this Order. If Respondent wishes to exercise the consent option, Respondent may  
5 do so by filing and serving a completed consent form or notice of consent prior to or  
6 concurrent with filing a motion to dismiss or answer. The parties are free to withhold  
7 consent without adverse substantive consequences.

8       3. Respondent shall e-file and serve a notice of appearance that designates the  
9 Assistant United States Attorney(s) in charge of the case **within fourteen (14) days**  
10 of the service date of this Order.

11       4. If Respondent contends that the Petition can be decided without the Court  
12 reaching the merits of Petitioner's claims (*e.g.*, because Respondent contends that  
13 the Court lacks subject matter jurisdiction or that Petitioner has failed to exhaust  
14 administrative remedies), Respondent shall file a motion to dismiss **within sixty (60)**  
15 **days** of the date of this Order.<sup>1</sup> The motion to dismiss shall not address the merits  
16 of Petitioner's claims, but rather shall be confined to the basis for Respondent's  
17 contention that dismissal without reaching the merits of Petitioner's claims is  
18 warranted.<sup>2</sup> At the time the motion to dismiss is filed, Respondent shall lodge with  
19 the Court all records bearing on Respondent's contention in this regard.

20       5. If Respondent files a motion to dismiss, Petitioner shall file his opposition,  
21 if any, to the motion **within thirty (30) days** of the date of service thereof. At the  
22 time the opposition is filed, Petitioner shall lodge with the Court any records not  
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24       <sup>1</sup> If Respondent contends that some or all of Petitioner's claims are procedurally defaulted,  
25 such contention should not be made in a motion to dismiss, but rather should be made in an answer  
26 to the Petition that addresses the allegedly defaulted claims on the merits in the alternative.

27       <sup>2</sup> If Respondent contends Petitioner has failed to exhaust any state remedies as to any ground  
28 for relief alleged in the Petition, the motion to dismiss shall also specify the state remedies still  
available to Petitioner.

1 lodged by Respondent that Petitioner believes may be relevant to the Court's  
2 determination of the motion.

3       6. Unless the Court orders otherwise, Respondent shall not file a reply to  
4 Petitioner's opposition to a motion to dismiss. If the motion is denied, the Court will  
5 afford Respondent adequate time to answer Petitioner's claims on the merits.

6       7. If Respondent does not contend that the Petition can be decided without the  
7 Court reaching the merits of Petitioner's claims, then Respondent shall file and serve  
8 an answer to the Petition **within seventy-five (75) days** of the date of this Order. At  
9 the time the answer is filed, Respondent shall lodge with the Court all records  
10 bearing on the merits of Petitioner's claims. The answer shall also specifically  
11 address the necessity for an evidentiary hearing to resolve any issue.

12       8. Petitioner may file a single reply responding to matters raised in the answer  
13 **within thirty (30) days** of the date of service thereof. Any reply filed by Petitioner:  
14 (a) Shall state whether Petitioner admits or denies each allegation of fact contained  
15 in the answer; (b) shall be limited to facts or arguments responsive to matters raised  
16 in the answer; and (c) shall not raise new grounds for relief that were not asserted in  
17 the Petition. Grounds for relief withheld until the reply will not be considered, unless  
18 the Court grants leave to amend the Petition. No reply shall exceed twenty-five (25)  
19 pages in length absent advance leave of Court for good cause shown.

20       9. A request by a party for an extension of time within which to file any of the  
21 pleadings required hereunder will be granted only upon a showing of good cause and  
22 should be made in advance of the due date of the pleading. Any such request shall  
23 be accompanied by a declaration explaining why an extension of time is necessary  
24 and by a proposed form of order granting the requested extension.

25       10. Unless otherwise ordered by the Court, this case shall be deemed  
26 submitted on the day following the date Petitioner's opposition to a motion to  
27 dismiss and/or reply is due.

1       11. Every document filed in the Clerk's Office or delivered to the Court must  
2 include a certificate of service attesting that a copy of such document was served on  
3 opposing counsel). Any document delivered to the Court without a certificate of  
4 service may be returned to the submitting party and will be disregarded by the Court.

5       12. Respondent shall, in every pleading it files with the court that includes  
6 exhibits, tab those exhibits in such a manner that they can be readily identified and  
7 accessed by the court. In addition, Respondent shall label each document with the  
8 corresponding number of the document indicated in the Notice of Lodgment.

9       13. If Petitioner wishes to receive a conformed copy of a document filed with  
10 the court, he shall submit one original and one copy of the document.

11       14. Petitioner shall immediately notify the Court and counsel for Respondent  
12 of any change of Petitioner's address. If Petitioner fails to keep the Court informed  
13 of where Petitioner may be contacted, this action will be subject to dismissal for  
14 failure to prosecute. See Local Rule 41-6.

15       Dated: June 3, 2025



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16       DAVID T. BRISTOW  
17       United States Magistrate Judge